



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF S-N- CORP.

DATE: FEB. 18, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a telecommunications company, sought to permanently employ the Beneficiary as a network planner under the immigrant classification of member of the professions holding an advanced degree.<sup>1</sup> See Immigration and Nationality Act (the Act) § 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A). After approving the petition on June 28, 2007, the Director, Texas Service Center, revoked the petition's approval on January 28, 2015. The matter is now before us on appeal. The appeal will be sustained.

U.S. Citizenship and Immigration Services (USCIS) may revoke a petition's approval "at any time" for "good and sufficient cause." INA § 205, 8 U.S.C. § 1155. If supported by the record, a director's realization that he or she erroneously approved a petition may justify revocation. *Matter of Ho*, 19 I&N Dec. 582, 590 (BIA 1988).

The Director concluded that he erroneously approved the instant petition. He determined that a valid labor certification did not accompany the petition based on a successor-in-interest issue. See *Matter of Dial Auto Repair Shop, Inc.*, 19 I&N Dec. 481, 482-83 (Comm'r 1986). Accordingly, he revoked the petition's approval.

The record shows that the appeal is properly filed and alleges specific errors of law. The record documents the case's procedural history, which is incorporated into the decision.

We conduct appellate review on a *de novo* basis. We consider all pertinent evidence of record, including new evidence properly submitted on appeal.<sup>2</sup>

Upon review of the entire record, including evidence submitted on appeal, we will withdraw the Director's decision, sustain the appeal, and reinstate the petition's approval.

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<sup>1</sup> The record indicates the Petitioner's change of name in 2013 after its merger with another company.

<sup>2</sup> The instructions to Form I-290B, Notice of Appeal or Motion, which are incorporated into the regulations by 8 C.F.R. § 103.2(a)(1), allow the submission of additional evidence on appeal.

*Matter of S-N- Corp.*

**ORDER:** The appeal is sustained.

Cite as *Matter of S-N- Corp.*, ID# 13536 (AAO Feb. 18, 2016)